IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K. THANKAPPAN

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

RP.No. 361 of 2007()

AGAINST THE JUDGEMENT/ORDER IN MFA.1209/1992
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PETITIONER/APPELLANT.

ABDUL RAHIMAN, S/O.KARIPALIKKATTIL
ABDULLAH, KUTTIPPURAM, MALAPPURAM DISTRICT.

BY ADV. SRI.P.CHANDRASEKHAR

RESPONDENTS: RESPONDENTS.
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1. **P.UMMER, S/O.KUNJI KAMMU,**
   PALATTUVALAPPIL HOUSE, KUTTIPPURAM P.O.,
   MALAPPURAM DISTRICT (STRUCK OFF).

2. **C.K.RAJIV, S/O.KUNJUNNI MENON,**
   RADHA SADAN, KULAMANGALAM P.O.,
   VALANCHERRY, MALAPPURAM DISTRICT.

3. **THE UNITED INSURANCE CO.LTD.,**
   MANJERI.

4. **PUTHUMADATHIL BABU, TANALUR P.O.,**
   MALAPPURAM DISTRICT (STRUCK OFF).

5. **M/S.SUNDARAM FINANCE LTD.,**
   PONDICHERRY.

**6. THE UNITED INSURANCE CO.LTD.,
MADRAS.**

**7. AMMALATH VELAYUDHAN, S/O.VELAYUDHAN,
VETTAM AMSOM AND DESOM, TIRUR TALUK,
MALAPPURAM DISTRICT.**

**BY ADV. SRI.A.K.ALEX
SRI.V.R.VENKATAKRISHNAN
SRI.K.K.MOHAMMED RAVUF**

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 17/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY & K.THANKAPPAN, JJ.

R.P.No.361 OF 2007 in
M.F.A.No.1209 of 1992

Dated 17th July, 2007

ORDER

Koshy,J.

The review petitioner/appellant at the age of 16 met with an accident on 5.6.1987 by which his tibia was fractured and there were some injuries on the bladder etc. Doctor certified 30% disability. According to the petitioner, at least Rs.1,250/= ought to have been fixed as the monthly income. If that be so, the dependency compensation payable will be Rs.1,250 x 12 x 16 x $\frac{30}{100}$ = Rs.72,000/=. But, in paragraph four of the judgment, it is stated as follows:

> "The appellant was aged 16 at the time of the accident. 30% is the disability certified by the doctor. As per the Second Schedule of the Motor Vehicles Act, a multiplier of 16 can be adopted and his notional income can be fixed as Rs.1,250/= per month."

That is the submission of the appellant. It is further directed as follows:

> "On the basis of the above, he would get only Rs.24,000/= towards permanent disability.'

But, the following sentence in between was omitted to be typed:

> "Even though notional income was fixed as Rs.15,000/= per year when second schedule was framed in 1994, the accident occurred in 1987 and, therefore, annual notional income for a 16 year old boy in 1987 need be fixed as Rs.5,000/= only."

Therefore, we have calculated the compensation as Rs.24,000/= (Rs.5,000 x 16 x $\frac{30}{100}$) taking Rs.5,000/= as the annual notional income. But, we noticed that Rs.35,000/= was granted for permanent disability by the Tribunal and hence it was held that no further amount is payable. We also noticed that total compensation granted for the alleged 30% disability in 1987 was Rs.1,00,000/=, that too with 12% interest from the date of application till deposit. Since just and reasonable compensation was awarded, we refused to interfere in the matter. We see no ground to review the judgment.

The review petition is dismissed with the above observation.

J.B.KOSHY
JUDGE

K.THANKAPPAN
JUDGE

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